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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,890	09/23/2003	Gert Heidenreich	449122063400	8639
25227 7590 05/16/2007 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102			EXAMINER SEYE, ABDOU K	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/667,890	Applicant(s) HEIDENREICH, GERT	
	Examiner Abdou Karim Seye	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


 WILLIAM THOMSON
 SUPERVISORY PATENT EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on March 16, 2007 has been received and entered. The amendment amended Claims 1,5,10,13 and 18-21. The currently pending claims considered below are Claims 1-21.

Claim Rejections - 35 USC § 112

2. The amendment filed on March 16, 2007, has overcome the rejections to Claims 1,6,9-10,12-14,18 and 20-21 under 35 U.S.C. 112, second paragraph in paragraph 3 of the previous office action by amending these claims. Therefore, the examiner hereby withdraws those objections.

However, the Examiner notes that Claims 1 and 18-21 have been newly amended to include "optionally either re-sent to the calling client or sent to another target address". That raises a new rejection as follow.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. Currently amended claims 1 and 18-21 recite the new limitations:

“optionally either re-sent to the calling client or sent to another target address”. Examiner was unable to locate any description of the element operation of “optionally”.

Moreover it is unclear when the optional operation is to be invoked, since neither the claims nor the specification provide guidance as to when or what conditions need to be met or not to be met in order to implement the optional feature.

Applicant does not show where the newly claimed limitation is taught in the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-13,15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by **Ireland, et al. (US 6266666)**.

Claims 1, 18 and 19-21, Ireland discloses a method and system for controlling an application process in a distributed system, comprising:

Providing a client (abstract; fig. 2, col. 6, lines 3-15);

Providing a server (abstract; fig. 2, col. 6, lines 3-15);

providing a server task (fig. 2: 211; col. 6, lines 7-15; col. 10, lines 37-39; java client connected to the server with a java class), wherein the system is organized according to a multi-tier model and includes at least a first presentation layer, a second layer which is organized completely as a microkernel-based client/server system and a third data layer (fig. 2 col. 6, lines 7-67; col. 7-8, lines 1-67) and an interface between the first and second layer which is configured in the form of a message (fig. 2, col. 7, lines 1-67; client sessions, threads and security associated with message/data stream), and following where the server task comprises at least the following steps:

the client translates the server task into the message with the respective arguments (fig. 2/211, 213 and 215; these elements of Ireland reference meets the claimed limitation of the claim) ,

the client sends the message to the server , the task is, in given cases, conducted further and processed to completion, and a result of the task is, with the aid of the message, optionally either re-sent to the calling client or sent to another target address (fig. 3, col. 10, lines 36-43; client receiving a tabular result sets back).

Claim 2 :Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses that the second layer and/or its components are configured for routing the server request to the database servers (fig. 2, col. 6, lines 35-38).

Claim 3: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses that the server request is subdivided into a first transaction,

originating from the client to the server (client request), and a second transaction, originating from the server to the client (result set) (col. 10, lines 37-42).

Claim 4: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses that the client belongs to the first layer and the server belongs to the second and/or third layer (fig. 2/221,230, col. 6, lines 7-20).

Claim 5: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses, in the arguments of the message, a source of the message (col. 8, lines 14-15; user identity based on the operating system login) available as generally valid supplementary information from which a condition for a decision, to be made optionally, is derived whether the result should be re-sent to the client or should be sent to the other target address.

Claim 6: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses that the addresses and/or return addresses for the server request are included in the message (col. 10, lines 50-67; col. 14, lines 33-59).

Claim 7: Ireland discloses a method and system as in claims 1, 18 and 20-22 above and further discloses that the second layer and /or third layer include subsystems (fig. 2 col. 7, lines 21-25; col. 6, lines 7-20).

Claim 8: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses that the server requests are nested/multithreaded. The element "multithreading a thread" of Ireland reference (fig. 2, col. 7, lines 30-35) meets the claimed limitation of the claim.

Claim 9: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses that a result is routed based on information contained in the message; method name (col. 12, lines 19-26).

Claim 10: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses that the message includes metadata information: an origin (col. 8, lines 14-15; user identity based on the operating system login; col. 12, lines 55-60; request originated from client), destination name and a destination name for the result sets (col. 10, lines 50-67; col. 12, lines 19-26; method name associated with servers and result set associated with user identity; col. 14, lines 33-67; the elements "Marshaller" and "RPC" of Ireland's reference meet the claimed limitation of the claim).

Claim 11: Ireland discloses a method and system as in claim 10 above and further discloses that the origin and destination name correspond by sending the output back to the same client (col. 16, lines 30-40).

Claim 12: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses that the message of the client from the first layer is sent to a component of the second layer, which then forwards the message to a processing component (fig. 2, col. 7, lines 21-67).

Claim 13: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses that the processing in the second layer is performed asynchronously (fig. 2, col. 7, lines 58-62).

Claim 15: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses that multiple calls of multiple clients are stored in a queue (fig. 2, col. 7, lines 60-62).

Claim 16: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses of the second layer includes multiple subsystems (fig. 2, col. 7, lines 21-25).

Claim 17: Ireland discloses a method and system as in claims 1, 18 and 19-21 above and further discloses that the servers of the second layer is/are not required to administer request-related address information (fig. 2, col. 8, lines 12-15). The expression "User identity is based on operating system login" means that no user

authentication is needed when executing a method function within the second layer, therefore this meets the claimed limitation of the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 14 is rejected under 35 U.S.C. 103 (a) as being unpatentable over **Ireland et al. (US 6266666)** in view of **Helland et al. (US 6134594)**.

Claim 14: Ireland discloses a method as in claim 1, 18 and 19-21 above and further discloses that the interface between the first and the second layer includes components configured as single threaded and a transaction management for supporting asynchronous transaction by using a queuing service (fig. 2, col. 7, lines 21-62), but he does not explicitly disclose that the client call is blocked waiting for result sets from the second layer. However, in the same field of endeavor Helland discloses a multi-tier system that includes the steps of blocking a call until previous call(s) of originating base client returns result sets (fig. 6, col. 17, lines 50-60). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to

modify Ireland invention with Helland invention in order to avoid any inadvertent parallelism, which could corrupt an application state for a single threaded system. One would have been motivated to use call blocking to protect the server application components in an activity from inadvertent parallelism that could corrupt the data being processed by the activity. Therefore, one would block simultaneous client calls into the activity to a server application components in order to gain data integrity.

Response to Arguments

8. Applicant's arguments filed on March 16, 2007 have been fully considered but they are not persuasive.

a. Claim 1: Applicant argues that, " Ireland does not teach that the result of the query is optionally sent back to the client or sent to another target." Ireland teaches in (fig. 3, col. 10, lines 36-43) a client receiving a tabular result sets back from a transaction server. The result set of the client request could be directed to display screen in (FIG. 1A:106) or to the output device such as a printer in (FIG. 1: 108, col. 5, lines 25-35). These elements of Ireland's reference meet the claimed limitation of the claim.

b. As for the remaining claims, see response to applicant's arguments/rejections above

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jardin et al(6912588). discloses a system and method for managing client request in client server network.

Konrad et al(5544320). discloses a remote information service access system based on a client-server-service model.

Peiffer et al (20030037108). discloses a system and method for maintaining statefulness during client-server interaction.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

AKS
May 8, 2007


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER